

Message Text

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SUBJECT: REPRESENTATION AVAILABLE TO AMERICAN ARRESTED ABROAD

REF: STATE 147704

1. ALL PRACTICING ATTORNEYS IN THE SOVIET UNION MUST BE MEMBERS OF A LAWYERS COOPERATIVE CALLED "KOLLEGIYA." LEGAL SERVICES IN CRIMINAL CASES MAY BE OBTAINED ONLY THROUGH SUCH A KOLLEGIYA OF LAWYERS. THE MAILING ADDRESS OF THE MOSCOW OFFICE IS:

MOSCOW MUNICIPAL KOLLEGIYA OF LAWYERS
NEGLINNAYA STREET 21
MOSCOW 103051, USSR.

2. DEFENDANTS IN CRIMINAL CASES MAY CHOOSE AN ATTORNEY FROM A KOLLEGIYA PROVIDED HE PAYS THE LAWYER'S FEE, WHICH IS GENERALLY MUCH LESS COSTLY THAN IN THE UNITED STATES; THE CURRENT INCLUSIVE FEE, INCLUDING APPEALS, RUNS TO ABOUT 300 RUBLES (THE OFFICIAL EXCHANGE RATE IS NOW ONE RUBLE EQUALS US \$1.35). IF THE DEFENDANT, INCLUDING AMERICANS, IS UNABLE OR UNWILLING TO SELECT AN ATTORNEY, THE COURT WILL ASSIGN HIM ONE OF ITS CHOICE AND PAY THE FEE.

3. THE EMBASSY'S EXPERIENCE HAS BEEN THAT IT MAKES LITTLE OR
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NO DIFFERENCE WHETHER THE DEFENDANT SELECTS AND PAYS OR THE COURT SELECTS AND PAYS THE ATTORNEY. THE ROLE OF THE ATTORNEY IN THE USSR IS NOT COMPARABLE TO THE ROLE OF HIS COUNTERPART IN THE UNITED STATES. THE ROLE OF THE LAWYER IS MUCH MORE CIRCUMSCRIBED IN A SOVIET CRIMINAL TRIAL THAN IN AN AMERICAN COURT. THE SKILL AND VIGOR WITH WHICH THE SOVIET LAWYER PURSUES HIS CLIENT'S CASE DOES NOT APPEAR TO HAVE A SIGNIFICANT

BEARING ON THE VERDICT REACHED BY THE SOVIET COURT. THE SOVIET LAWYER THEREFORE APPEARS TO SPEND LESS TIME PREPARING HIS CASE FOR THE TRIAL AND NORMALLY PRESENTS IT MUCH LESS AGGRESSIVELY THAN HIS AMERICAN COUNTERPART WOULD.

4. FOR CIVIL CASES IN THE USSR INVOLVING FOREIGNERS, INCLUDING AMERICANS, THE RELEVANT LAWYERS' COOPERATIVE IS INYURKOLLEGIYA. ITS HEAD OFFICE IN MOSCOW AT THE FOLLOWING ADDRESS:

INYURKOLLEGIYA
GORKY STREET 5
MOSCOW 101000, USSR.

IN CIVIL CASES, THERE CAN BE NO EXEMPTION FROM THE FEE, WHICH VARIES ACCORDING TO THE LEGAL SERVICE PERFORMED. AMERICANS WISHING TO PURSUE CIVIL CASES MAY ALSO MAKE INQUIRIES AT THE SOVIET EMBASSY IN WASHINGTON, WHICH WILL ALSO FURNISH THE NAME AND ADDRESS OF THE CLOYEST LOCLW AMERICAN REPRESENTATIVE OF INYURKOLLEGIYA.
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